

### REMARKS

Claims 1-14 have been examined. Claims 1 and 7-9 have been rejected under 35 U.S.C. § 102(e), and claims 2-6 and 10-14 have been rejected under 35 U.S.C. § 103(a).

**I. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,314,575 to Billock et al. (“Billock”)**

Claims 1 and 7-9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Billock. Applicants submit that the claims are patentable.

**A. Claim 1**

Claim 1 comprises a center device that includes a broadcasting device that broadcasts a program in accordance with a broadcast schedule and stores the program. Also, the center device comprises a request program transmitting device that (1) receives a request signal, (2) transmits the program, which corresponds to the request signal and which has been stored in the broadcasting device, and (3) transmits the program to a terminal device transmitting the request signal. In other words, the program is both (1) broadcast according to a broadcast schedule and (2) transmitted based on a request signal.

In contrast, Billock does not disclose or teach the claimed program. For example, Fig. 1 of the reference shows a network 10 that comprises a telecasting facility 12 and a plurality of viewing stations 14. As shown in Fig. 2, the telecasting facility 12 stores programs in a tape drive system 26 and/or a mass storage system 24. The telecasting facility 12 only transmits one of the stored programs to a viewing station 14 in response to receiving a PROGRAM\_ID signal from the viewing station 14.

Assuming *arguendo* that the operation above correspond to transmitting a program to a terminal device in response to a request signal, as recited in claim 1, Billock does not suggest

also broadcasting the program in accordance with a broadcast schedule. Accordingly, Applicants submit that claim 1 is patentable.

Also, claim 1 states that, when a user selects the program, the terminal device transmits the request signal of the program to the center device if the program is a past program broadcast in accordance with the schedule. Clearly, Billock does not disclose or suggest such feature for the reasons presented above. As a result, claim 1 is additionally patentable for this reason.

**B. Claim 7**

Since claim 7 contains features that are similar to some of the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for at least the reasons presented above.

**C. Claim 8**

Claim 8 relates to a terminal device that receives a program broadcast by a center device. Also, the terminal device (1) outputs a request signal for the program if the program is selected by a user and corresponds to a past program that has been broadcast by the center device in accordance with a schedule and (2) receives the program, which is transmitted from the center device and which corresponds to the request signal. Applicants submit that Billock does not disclose or suggest these features for reasons presented above in conjunction with claim 1.

**D. Claim 9**

Since claim 9 contains features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for at least the reasons presented above.

**II. Rejection under 35 U.S.C. § 103(a) over Billock**

Claims 2, 3, 5, 10, 11, and 13 have been rejected under 35 U.S.C. § 103(a) as being obvious over Billock. Applicants dispute the Examiner's conclusions of equivalents and use of official notice. Nonetheless, since claims 2, 3, 5, 10, 11, and 13 depend upon claim 1 or 9, Applicants submit that the claims are patentable at least by virtue of their dependency.

**III. Rejection under 35 U.S.C. § 103(a) over Billock and U.S.P. 6,378,036 to Lerman et al. ("Lerman")**

Claims 4, 6, 12, and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock and Lerman. Since claims 4, 6, 12, and 14 depend upon claim 1 or 9, and since Lerman does not cure the deficient teachings of Billock and Lerman with respect to claims 1 and 9, Applicants submit that such claims are patentable at least by virtue of their dependency.

**IV. Newly added claims**

Applicants have added new claims 15-24 to provide more varied protection for the invention.

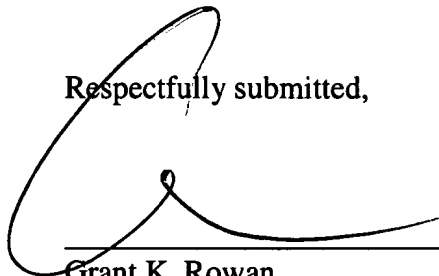
**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/714,510

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Grant K. Rowan', is written over a horizontal line.

Grant K. Rowan  
Registration No. 41,278

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

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